

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

GREG GATES,)
)
Plaintiff,) Civil Action No. 7:15cv00207
)
v.)
)
SOUTHWEST VIRGINIA) By: Elizabeth K. Dillon
REGIONAL JAIL,) United States District Judge
)
Defendant.)

MEMORANDUM OPINION

Plaintiff Greg Gates, a Virginia inmate proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983, naming only the Southwest Virginia Regional Jail as a defendant. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. *West v. Atkins*, 487 U.S. 42 (1988). Because a jail is not a legal entity, it is not a “person” subject to suit under § 1983, and Gates cannot maintain this action against the defendant jail. *See McCoy v. Chesapeake Corr. Ctr.*, 788 F. Supp. 890, 894 (E.D. Va. 1992) (a jail “is not an individual, a corporation, a partnership, or an unincorporated association. Therefore, it lacks the capacity to be sued as a jail.”). Accordingly, the court will dismiss this action without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

Entered: May 20, 2015.

Elizabeth K. Dillon
United States District Judge